

REMARKS

Claims 1-10, all the claims pending in the application, stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,953,338 to Ma (hereinafter “Ma”) in view of U.S. Patent No. 6,115,380 to Christie et al. (hereinafter “Christie”).

Applicants do not acquiesce to the above rejections. However, in order to expedite prosecution, Applicants amend claim 1 to recite, in part:

“provisioning a plurality of virtual connections capable of meeting bandwidth and quality of service requirements between a user, among a plurality of users coupled to said access network, and an access server of said access network coupled to a content provider operable to deliver said data stream, wherein the provisioned virtual connections are specific to the user; and

requesting, by the user, said data stream from said content provider after said provisioning of the plurality of virtual connections to the user...”

Applicants submit that Ma and Christie, alone or in combination, do not teach or suggest at least the newly added features of claim 1 at least for the following reasons.

On page 2 of the Office Action, the Examiner asserts that Ma teaches that a user requests a data stream after the provisioning of a plurality of virtual connections. In support of this assertion, the Examiner cites col. 4, lines 17-26 and contends that Ma teaches that capacity (allegedly corresponding to the claimed data stream) on virtual paths in a virtual group are leased on an ‘as needed’ basis. The Examiner concludes that the virtual group path is already established (i.e., provisioned) and a user can lease from the provisioned virtual connection.

Here, the Examiner seems to broadly interpret the claimed provisioning operation. In particular, the Examiner seems to correspond Ma's initial setup of virtual group paths between a plurality of users as the claimed provisioned connections.

However, Ma discloses that the virtual group paths are provided to a multitude of clients, and capacity may be leased to another party, but not used at a specific time that another party requests permission to use the capacity (col. 4, lines 17-26). Clearly, Ma's system utilizes connections which are shared amongst a plurality of users. Accordingly, Ma does not teach or suggest that the provisioned virtual connections are specific to the user, as recited in amended claim 1.

Likewise Ma does not teach or suggest that the user requests a data stream after the provisioning of a plurality of virtual connections specific to the user, as recited by claim 1. Instead, Ma discloses that the connections shared amongst the multitude of clients are set up on an 'as needed' basis, and therefore a request must be initiated before a connection is made.

Christie does not cure the above noted deficiencies of Ma. Specifically, Christie is directed to a broadband system 104 to which a plurality of users 100 and 102 are connected. The broadband system 104 includes a plurality of ATM multiplexers (muxes) 110, 112, and 114; an ATM cross-connect 120; narrowband switches 130 and 132; and a signal processor 140. When a user 100 makes a call, a call set-up message (i.e., a request for connection) is forwarded to signal processor 140 to select switches which will properly align the ATM multiplexers (muxes) 110, 112, and 114, the ATM cross-connect 120, and the narrowband switches 130 and 132 to connect the user 100 along a desired call path to establish a connection with user 102 (col. 5, lines 6-54).

Similarly to Ma, Christie's system provides ATM connections on a call by call basis (col. 5, lines 62-64). In other words, a call is requested before a connection between users 100 and 102 is established by signal processor. Accordingly, Christie does not teach or suggest that the user requests a data stream after the provisioning of a plurality of virtual connections specific to the user, as recited by claim 1.

The Examiner seems to interpret the above feature broadly, asserting that the establishment of the muxes and other connection devices correspond to the claimed provisioning of connections. However, claim 1, as amended, recites that the provisioned virtual connections are specific to the user. Accordingly, the Examiner is precluded from interpreting Christie's establishing of potential connections shared amongst a plurality of users as the claimed provisioning operation.

Contrary to the above feature of claim 1, Christie's system utilizes connections between the muxes 110, 112, and 114, the ATM cross-connect 120, and the narrowband switches 130 and 132 that are shared by a plurality of users and established on a call by call basis. Accordingly, Christie does not teach or suggest provisioned virtual connections specific to the user, as recited by claim 1. Likewise, Christie does not teach or suggest that the user requests a data stream after the provisioning of a plurality of virtual connections specific to the user, as recited by claim 1.

Because Ma and Christie, alone or in combination, do not teach all of the features of claim 1, Applicants submit that the claim is not rendered unpatentable by Ma and Christie. Applicants also submit that claims 2-6, being dependent on claim 1, are patentable at least by virtue of their dependency.

Applicants amend independent claim 7 to recite features similar to those discussed above in conjunction with claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 8-10, being dependent on claim 7, are patentable at least by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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